

ALEX P. COLLINS

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FEBRUARY 25, 1958.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany S. 888]

The Committee on the Judiciary, to whom was referred the bill (S. 888), for the relief of Alex P. Collins, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The facts will be found fully set forth in Senate Report No. 903, 85th Congress, 1st session, which is appended hereto and made a part of this report. Therefore, your committee concur in the recommendation of the Senate.

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[S Rept. No. 903, 85th Cong.]

The purpose of the proposed legislation, as amended, is to authorize that the Secretary of the Treasury be directed to pay, out of any money in the Treasury not otherwise appropriated to Alex P. Collins, the sum of \$2,000 in full satisfaction of his claim against the United States for refund of the amount of the bonds posted with the Immigration and Naturalization Service of the Department of Justice in the case of his niece, Maria Karvelis, and her three minor children, Boeleta Karvelis, Martha Karvelis, and Euterpi Karvelis, which were declared breached by such Service when the said Maria Karvelis, Boeleta Karvelis, Martha Karvelis, and Euterpi Karvelis failed to depart in accordance with the terms of such bonds, although they were subsequently granted permanent residence in the United States.

STATEMENT

The claimant, Alex P. Collins, who resides at 2309 Winona Avenue, Montgomery, Ala., has living with him his niece, Maria Karvelis, and her three minor daughters, Boeleta Karvelis, Martha Karvelis,

and Euterpi Karvelis. The niece and her three children came to the United States in August of 1951 under a visitor's permit, which was effective until February 23, 1952. As a condition for their admission to the United States, the claimant was required to post a \$500 bond for each of the aliens. The total amount of these bonds was in the sum of \$2,000, the amount set forth in this bill. The bonds were posted with the United States Immigration and Naturalization Service at New York City, N. Y.

According to the affidavit of the claimant, the purpose of bringing his niece and her three children to the United States was to provide for necessary medical care for the children, which they desperately needed. The affidavit further states that the children have been under constant medical supervision and care since their original entry up to and including the present time.

Extensions of the visitor's permit were requested and granted until February 23, 1955. Subsequent to the expiration of the last temporary stay, on February 5, 1955, a bill was introduced in the Congress of the United States for the purpose of the enactment of a law granting the aliens referred to herein the status of permanent residence in the United States. It will be noted that this bill was requested prior to the date of expiration of the last visa extension. The claimant contends that by reason of negotiations relative to the bill, he inadvertently failed to request another extension of stay from the Immigration and Naturalization Service, and further states that he was advised by representatives of the Immigration and Naturalization Service, of Mobile, Ala., that no action would be taken with respect to his niece and her three children until some disposition had been made of the pending bill for permanent residence in their behalf. As a result thereof, the bill was actually introduced on March 4, 1955, as S. 1322, and ultimately passed the Congress and was approved by the President, becoming Private Law 593 of the 84th Congress.

The affidavit of the claimant further indicates that at no time was there a deliberate intent to evade deportation. On the contrary, all parties were readily available at 2309 Winona Avenue, Montgomery, Ala.

Subsequent to the passage of the legislation authorizing permanent residence, the claimant requested the Immigration and Naturalization Service to remit the four \$500 bonds which he had posted in connection with their entry into this country. He was advised on October 4, 1956, that the Immigration and Naturalization Service had declared the bonds forfeited for failure of his niece and three children to depart from the United States on or before February 23, 1955. It would appear from the affidavit of the claimant that the forfeiture of the bonds, as far as he knew, occurred some 6 months after the passage of Private Law 593 of the 84th Congress.

In regard to the condition of the parties concerned, the affidavit discloses that the children have been treated at the Shriners' Crippled Children's Hospital at Shreveport, La., for an extended period of time and that the sole interest in the matter, insofar as the claimant is concerned, is directed toward the ultimate health and welfare of these children.

The Department of Justice in its report dated May 27, 1957, states:

The forfeiture of the bonds was proper in the circumstances and the Department is aware of no satisfactory basis to justify a refund of the amount of the bonds and accordingly is unable to recommend enactment of the bill.

The committee has in the past been extremely critical of restoring forfeited bonds in cases of this nature for the claimants when it is apparent that such forfeiture is occasioned through extreme neglect or deliberate action on the part of the alien, and the committee will continue to adhere, in the main, to that policy.

In connection with the instant case, the committee is inclined to believe that there are sufficient equities set forth which justify a departure or exception from its stated principle. There does not appear to be any intention or deliberate attempt on the part of the claimant or his relatives to evade the laws applicable to this situation, nor does there appear from the documents before the committee any evidence that would indicate a refusal on the part of the Immigration and Naturalization Service for a further extension of time, had such application been made. The committee, on the basis of previous applications for extension, is inclined to believe that the claimant's request for legislation for permanent stay, plus advice to him that no action would be taken until that bill was acted upon, lulled him into a sense of security in that respect, so that an additional stay was not requested. It seems apparent that at no time was the claimant or his family beyond the reach of the Immigration and Naturalization Service. Most important, in the state of the record, is the fact that the bonds were not declared forfeited until October 4, 1956, which was a considerable time after the congressional enactment of April 10, 1956, granting the aliens concerned their permanent residence as of that date. No explanation is given why the bonds were not forfeited during the period February 23, 1955, the termination date of the last extension, or before April 10, 1956, the date of enactment of the private law for their benefit.

Under these circumstances, the committee is inclined to view this matter as an exception to its general policy and, upon the basis of the equities in favor of the claimant heretofore stated, recommends that the bill S. 888, as amended, be favorably considered.

Attached hereto and made a part hereof is the report of the Department of Justice dated May 27, 1957, and an affidavit of the claimant, Alex P. Collins, dated February 8, 1957.

DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
*Washington, D. C., May 27, 1957.*

HON. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 888), for the relief of Alex P. Collins.

The bill would provide for the payment of the sum of \$2,000 to Alex P. Collins as a refund of the amount of 4 bonds, each in the sum of \$500, posted by him in behalf of his niece Maria Karvelis and her 3 minor children Boeleta, Martha, and Euterpi and subsequently for-

feited for failure of the aliens to depart in accordance with the terms of such bonds.

The files of this Department disclose that the members of this alien family were admitted as visitors at New York on August 27, 1951, at which time the bonds in question were posted. Their last extension expired on February 23, 1955, but they failed to depart on or before such date. On March 4, 1955, however, a private bill to adjust their status to that of permanent residents was introduced, which became law on April 10, 1956, creating a record of admission for permanent residence as of that date. The bonds in this case were declared breached on October 4, 1956, and a motion to reconsider was denied.

The forfeiture of the bonds was proper in the circumstances and the Department is aware of no satisfactory basis to justify a refund of the amount of the bonds and accordingly is unable to recommend enactment of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,  
*Deputy Attorney General.*

STATE OF ALABAMA,  
*Montgomery County, ss:*

Before me, the undersigned authority in and for said county in said State, personally appeared Alex P. Collins, to me known, who, being by me first duly sworn on oath, deposes and says:

I reside at 2309 Winona Avenue, Montgomery, Ala., and have been a resident of Montgomery County, Ala., since 1947; prior to which time I was a resident of Laurel, Miss., for many years. At the present time I am the sole owner of the residence at 2309 Winona Avenue, Montgomery, Ala., and have living with me my niece, Maria Ioannou Karvelis, and her three minor daughters, Martha Karvelis, Boeleta Karvelis, and Euterpi Karvelis. My niece and her 3 children came to the United States in August 1951 as visitors until February 23, 1952, under \$500 bond for each of them. I made the bonds at the office of the United States Immigration and Naturalization Service, 70 Columbus Avenue, New York, N. Y.

The purpose of bringing my niece and her three children to the United States was to provide for the children medical care which they so desperately needed. They have been under constant medical supervision and care since entry into the United States until the present time.

Extensions of temporary stay for Mrs. Karvelis and her three children were granted until February 23, 1955. Prior to the expiration of the last temporary stay, and on, to wit: February 5, 1955, I wrote Hon. Lister Hill, United States Senator from Alabama, requesting that he introduce and attempt to have passed a special act granting to them permanent residence in the United States. As is customary with him, Senator Hill promptly replied and advised me that he would have prepared and introduced a bill for such purpose and would do what he could within the province of his office to secure its adoption. This contact with Senator Hill with respect to the bill, as you will note, was prior to the date of the expiration of the last visa for Mrs. Karvelis



and her three children, hereinabove referred to. Thereafter, from time to time, I was in contact with both Senator Hill and Congressman George Grant, from Alabama, who also was assisting in connection with this matter. I did not know that I was to do anything else in connection with the visas of my niece and her three children until some action had been taken by the Congress and President of the United States. For this reason I inadvertently failed to request another extension from the Immigration and Naturalization Service. In fact, I was in contact with representatives of said Service in Mobile, Ala., who advised me that no action would be taken with respect to my niece and her three children until some disposition had been made of the pending bill for permanent residence in their behalf.

The bill in question was introduced in the United States Senate on March 4, 1955, and is identified as S. 1322. It was subsequently passed by the Senate in July 1955, and, before consideration by the House of Representatives, Congress adjourned. However, in due course in 1956, the bill was passed by the Senate and House of Representatives and approved by the President and identified as Public Law 593. I am informed that, prior to the approval of the special bill by the Judiciary Committees of both the Senate and House of Representatives, a report was made by the Immigration and Naturalization Service of the Department of Justice concerning my niece and her three children. I presume, without knowing, that investigation was also made with respect to me. It would appear that if there were any feeling in the Immigration and Naturalization Service that the fact that my niece and her three children had inadvertently stayed in this country longer than their last temporary permission, to wit; February 23, 1955, could possibly indicate an intentional act on their part or on my part to fail to comply with the laws of the United States with respect to alien registration, that matter would have been disclosed and considered by the Senate and House of Representatives. The fact is that the failure to comply with the reregistration requirements was inadvertent and unintentional on my part and on the part of my niece and her three children.

After the passage of the act and approval by the President, granting asylum in this country to my niece and her three children, in due course I requested the Immigration and Naturalization Service to remit to me the four \$500 bonds (total, \$2,000) which I had made in connection with their entry into this country. After much correspondence and great lapse of time, I was advised on October 4, 1956, that the Immigration and Naturalization Service had declared the bonds forfeited for failure of my niece and her three children to depart the United States on or before February 23, 1955, which date was subsequent to my request to Senator Hill. They pointed out that Private Law 593 was effective on April 10, 1956. This letter of October 4 was the first and only indication that I received that my bonds were forfeited. It is interesting to note that this occurred some 6 months after the passage of Private Law 593.

Due to the fact that any violation of the immigration laws by my niece, her three children, and myself was entirely unintentional, I have requested the assistance of Senator Hill and Congressman Grant in the passage of private legislation to cause the forfeited bonds to be returned to me, or in lieu thereof that the Government pay me the amount of such bonds.

Since my niece and her three children have come to this country, I have expended sums of money and time in providing needed medical

attention for the girls in order to prevent them from becoming permanently crippled, and in providing a home for them and their mother. However, a great portion of the medical expenses was not paid directly by me, as they were being treated at the Shriners' Crippled Children's Hospital at Shreveport, La., for an extended period of time. The house which I own was purchased for them, inasmuch as I am a bachelor and have no need for the home. I estimate that I have spent in their behalf a minimum of \$21,131.65. Such sums expended are as follows:

Transportation from Greece to New York (4)-----	\$1, 300. 00
Transportation from New York to Shreveport, La. (4)-----	200. 00
15 months' rent, at \$100 per month-----	1, 500. 00
Dental work for Mrs. Karvelis-----	300. 00
Hospital operation for 1 little girl-----	325. 00
Trips to Shreveport for visiting (3 years)-----	1, 000. 00
Sickness in home and doctors for family-----	150. 00
Food, clothing, and education (4 years)-----	4, 000. 00
Home for family-----	8, 000. 00
Extending another room-----	2, 000. 00
New furnishings for home-----	1, 000. 00
Stove and washing machine-----	431. 65
Utensils for home-----	150. 00
Wiring the house-----	100. 00
Electricity, gas, water, and telephone-----	500. 00
Plumbing-----	175. 00
Total-----	21, 131. 65

In addition to the above, as the children grow older, it will be more expensive to support them and provide them with the education they should receive. The above itemization is an estimate and a minimum one. You will note that the total amount which I have included therein for food, clothing, and education of the 3 children since they have come to this country in 1951 and their mother has been \$4,000. It is my feeling that I have spent considerably in excess of the sums set out above.

I am thankful and grateful that the medical attention which the children have received in this country has greatly helped them, and I am also grateful that the Congress and the President of the United States provided them with a permanent asylum and home in this country; however, due to the fact that the forfeiture of the bonds referred to was entirely unintentional and resulted from acts which were not in conscious violation of any law of the United States, then I request your favorable consideration to the return of the bonds or the awarding of a like amount of cash to me.

ALEX P. COLLINS.

Sworn to and subscribed before me this 8th day of February, 1957.

[SEAL]

LULA GATES HRABE,

Notary Public, Montgomery County, Ala.

My commission expires July 19, 1959.